



Docket 52130-A-PCT-US/JPW/AJM/AHM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dietmar Spengler and Laurent Journot
Serial No. : 09/254,870 Examiner: C. Patterson
Filed : August 16, 1999 Group Art Unit: 1652
For : NUCLEIC ACID MOLECULES CODING FOR TUMOR
SUPPRESSOR PROTEINS AND METHODS FOR THEIR
ISOLATION

1185 Avenue of the Americas
New York, New York 10036
July 10, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

PETITION UNDER 37 C.F.R. §1.8(b)
TO WITHDRAW HOLDING OF ABANDONMENT

This is a Petition under 37 C.F.R. §1.8(b) to withdraw the Notice of Abandonment issued May 10, 2002 in connection with the above-identified application. The May 10, 2002 Notice indicates that the subject application was abandoned for applicants' alleged failure to timely submit new formal drawings. A copy of the May 10, 2002 Notice is attached as **Exhibit A**. A petition under 37 C.F.R. §1.8(b) requires that applicant: (1) informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and (3) includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission.

Pursuant to 37 C.F.R. §1.8(b)(1), this Petition is being filed promptly after applicants' undersigned attorney became aware

Applicants: Dietmar Spengler and Laurent Journot
Serial No.: 09/254,870
Filed: August 16, 1999
Page 2

that the U.S. Patent Office has no evidence of receipt of the new formal drawings.

A Notice of Allowance was issued in the subject application on September 28, 2001 requiring applicants to submit new formal drawings by December 28, 2001. A copy of the September 28, 2001 Notice of Allowance is attached as **Exhibit B**.

In response to the September 28, 2001 Notice of Allowance, applicants timely submitted new formal drawings on December 28, 2001.

As evidence of that submission, and pursuant to 37 C.F.R. §1.8(b)(2), applicants attach as **Exhibit C** copies of the Communication Forwarding Formal Drawings with a certificate of mailing dated December 28, 2001, and the formal drawings forwarded therewith. In addition, applicants attach as **Exhibit D** a copy of the postcard which accompanied the Communication Forwarding Formal Drawings and the formal drawings in order for the U.S. Patent and Trademark Office to acknowledge receipt of the formal drawings. Furthermore, applicants submit as **Exhibit E** a copy of the undersigned attorney's law firm's internal docketing records for the subject application. The relevant portion of this record is highlighted to indicate that the law firm's internal docketing record reflects that the required formal drawings were timely mailed on December 28, 2001. Moreover, in accordance with 37 C.F.R. §1.8(b)(3), applicants submit as **Exhibit F** a declaration of the undersigned attorney attesting to the timely mailing of the formal drawings.

Finally, applicants submit as **Exhibit G** a replacement set of formal drawings.

Applicants: Dietmar Spengler and Laurent Journot
Serial No.: 09/254,870
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Page 2



Accordingly, applicants note that the requirements of 37 C.F.R. §1.8(b) have been met and respectfully request that the Notice of Abandonment be withdrawn and the subject application proceed to issuance.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorney invites the Examiner to telephone at the number provided below.

No fee is deemed necessary in connection with the filing of this Petition. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "John P. White".

John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to:
Assistant Commissioner for Patents,
Washington, D.C. 20231.

A handwritten signature in cursive script, appearing to read "John P. White".
John P. White
Reg. No. 28,678

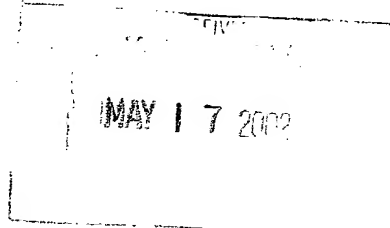
7/10/02
Date


UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

 Address: COMMISSIONER OF PATENTS AND TRADEMARKS
 Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09/254,870



EXAMINER

ART UNIT	PAPER NUMBER
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p#19

DATE MAILED:

NOTICE OF ABANDONMENT

2 Mos. Response: 7/10/2002

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
- ☐ A reply (with a Certificate of Mailing or Transmission of _____) was received on _____, which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
 (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ No reply has been received.
- ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
- ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
 The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
- ☐ The issue fee and publication fee, if applicable, has not been received.
- ☒ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
- ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
- ☒ No proposed new formal drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

 ABANDONMENT
 CONTACT PERSON IS:
 TOM HAWKINS - 305-8380
 305-8380

*U.S. GPO: 2000-472-999/43202



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/254,870	08/16/1999	DIETMAR SPENGLER	147-183PCT	7692

7590 05/10/2002

COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK, NY 10036



EXAMINER

PATTERSON, CHARLES L JR

ART UNIT PAPER NUMBER

1652

07/19

DATE MAILED: 05/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

HA

NOTICE OF ALLOWANCE AND ISSUE FEE DUE

HM1270928

COOPER & DUNHAM
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

APPLICATION NO.	FILING DATE	TOTAL CLAIMS	EXAMINER AND GROUP ART UNIT	DATE MAILED
09/254,870	08/16/99	011	PATTERSON, C	1657 09/28/01
First Named Applicant: SPENGLER, 35 USC 154(b) term ext. = 0 Days.				

LE OF ENTION: NUCLEIC ACID MOLECULES CODING FOR TUMOR SUPPRESSOR PROTEINS AND METHODS FOR THEIR ISOLATION

ATTY'S DOCKET NO.	CLASS-SUBCLASS	BATCH NO.	APPLN. TYPE	SMALL ENTITY	FEE DUE	DATE DUE
1 147-183PCT	439-006.000	M7E	UTILITY	YES	\$620.00	12/28/01

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED.

THE ISSUE FEE MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED.

HOW TO RESPOND TO THIS NOTICE:

Review the SMALL ENTITY status shown above:
If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- If the status is changed, pay twice the amount of the FEE DUE shown above and notify the Patent and Trademark Office of the change in status, or
- If the status is the same, pay the FEE DUE shown above.

If the SMALL ENTITY is shown as NO:

A. Pay FEE DUE shown above, or

B. File verified statement of Small Entity Status before, or with, payment of 1/2 the FEE DUE shown above.

Part B-Issue Fee Transmittal should be completed and returned to the Patent and Trademark Office (PTO) with your ISSUE FEE. Even if the ISSUE FEE has already been paid by charge to deposit account, Part B Issue Fee Transmittal should be completed and returned. If you are charging the ISSUE FEE to your deposit account, section "4b" of Part B-Issue Fee Transmittal should be completed and an extra copy of the form should be submitted.

All communications regarding this application must give application number and batch number.
Please direct all communications prior to issuance to Box ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

YOUR COPY

52130-A-PCT-US

JUL 16 2002

Notice of Allowability

Application No.

09/254,870

Examiner

Charles L. Patterson, Jr.

Applicant(s)

SPENGLER ET AL.

Art Unit

1652

JPW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to mandment filed 9/19/01.

2. ☒ The allowed claim(s) is/are 17-24, 36, 39 and 49.

3. ☐ The drawings filed on _____ are accepted by the Examiner.

4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of the:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____

3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

(a) ☐ The translation of the foreign language provisional application has been received.

6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

8. ☒ CORRECTED DRAWINGS must be submitted.

(a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached

1) ☐ hereto or 2) ☒ to Paper No. 15.

(b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.

(c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the top margin (not the back) of each sheet. The drawings should be filed as a separate paper with a transmittal letter addressed to the Official Draftsperson.

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1 ☐ Notice of References Cited (PTO-892)

3 ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

5 ☒ Information Disclosure Statements (PTO-1449), Paper No. _____

7 ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material

2 ☐ Notice of Informal Patent Application (PTO-152)

4 ☐ Interview Summary (PTO-413), Paper No. _____

6 ☒ Examiner's Amendment/Comment

8 ☒ Examiner's Statement of Reasons for Allowance

9 ☐ Other

CHARLES L. PATTERSON, JR.
PRIMARY EXAMINER
GROUP 1800



EXAMINER'S AMENDMENT AND REASONS FOR ALLOWANCE

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Alan J. Morrison on September 27, 2001.

Delete claims 25-35, 37-38, 40 and 42-48.


The following is an examiner's statement of reasons for allowance: Applicants have overcome all of the previous rejections by canceling or amending the claims. As to the 35 USC 112 first paragraph rejection, the examiner agrees with applicants' characterization of the two references submitted to overcome it.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles L. Patterson, Jr., PhD, whose telephone number is 703-308-1834. The examiner can normally be reached on Monday - Friday, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ponnathapura Achutamurthy can be reached on 703-308-3804. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7401 for regular communications and 703-308-0294 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.


Charles L. Patterson, Jr.
Primary Examiner
Art Unit 1652

Patterson
September 27, 2001



Dkt. 52130-A-PCT-US/JPW/YG

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dietmar Spengler and Laurent Journot
Serial No. : 09/254,870 Examiner: C. Patterson
Filed : August 16, 1999 Group Art Unit: 1652
For : NUCLEIC ACID MOLECULES CODING FOR TUMOR
SUPPRESSOR PROTEINS AND METHODS FOR THEIR
ISOLATION

Date of Notice of

Allowance : September 28, 2001 Issue Batch No.: M75

1185 Avenue of the Americas
New York, New York 10036
December 28, 2001

Assistant Commissioner for Patents
Washington, D.C. 20231

ATTN: OFFICIAL DRAFTSPERSON

COMMUNICATION FORWARDING FORMAL DRAWINGS

This Communication is submitted in response to the Notice of Allowance dated September 28, 2001 which was issued by the U.S. Patent and Trademark Office in connection with the above-identified application. A response to the September 28, 2001 Notice of Allowance is due December 28, 2001. Accordingly, this communication is being timely filed.

In the September 27, 2001 Notice, the Examiner required applicants to submit new corrected drawings including the drawing corrections specified in the December 21, 1999 Notice of Draftsperson's Patent Drawing Review. The December 21, 1999 Drawing Review stated that for Figures 4A, 6D, 8, 10 and 13 the photographs are of poor quality; for Figure 3 the left margin do not conform to requirements; for Figures 1B, 1C, 4B, 4C, 5B and 5C - 6D the views are not labeled properly or separately ; for Figures 1A - 13 the lines, numbers and letters are not uniformly thick and well defined, clean, durable and black, as well as the numbers and reference numbers are not plain and legible and the figure legends are poor.

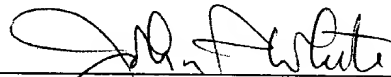
Dietmar Spengler and Laurent Journot
Serial No.: 09/254,870
Filed: August 16, 1999
Page 2

In response, applicants attach hereto as **Exhibit A**, twenty-seven (27) sheets of new, corrected formal drawings for Figures 1A - 13.

Applicants note that U.S. Patent and Trademark Office waived 37 C.F.R. §1.84 (b) (1) in a notice published in the August 4, 1998 Official Gazette. Therefore, a petition under 37 C.F.R. §1.84 (b) (1) including three sets of photographs mounted on bristol board and a petition fee of 130.00 is no longer required for photographs to be accepted.

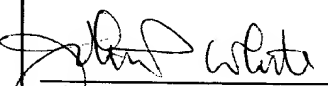
No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White
Registration No. 28,678
Attorney for Applicants
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



John P. White
Reg. No. 28,678

12/28/01
Date

PCMaster v3.03.02 - Cooper & Dunham - [Patent]

File Edit Records Utilities Tools Help

Docket Number: 52130-A-PCT-US
Country: United States
Case Type: REGULAR CASE TYPE
Relation Type: ORIGINAL OR PATENT CASE
Filing Type: NATIONAL CASE
Filing Number:

Attorney: JOHN P. WHITE
Agent: ALAN J. MORRISON
Client/Division: VOSSIUS & PARTNER
Current Owner: VOSSIUS & PARTNER
Previous Owner:

NUCLEIC ACID MOLECULES CODING FOR TUMOR SUPPRESSOR PROTEINS AND METHODS FOR

Inventors: Licenses: Other No's: Related Id: Title: Text:
Filing Data: Related Party Info: Actions: Description: Expenses: Ext Files:

Action	Action Due Date	Taken Date	Deadline Date	Completed Date	Responsible Atty #1
RESTRICTION	30NO2000	30NO2000			
3 MONTH RESPONSE	05JE2001				
4 MONTH RESPONSE	05JL2001				
5 MONTH RESPONSE	05AU2001				
6 MONTH RESPONSE	05SE2001	05SE2001			
ISSUE FEE DUE	28DE2001	28DE2001			
DRAWINGS REQUIRED	28DE2001	28DE2001			
PETITION TO REVIVE	10JL2002				
FILING RECEIPT		22NO1999			
NOTICE OF		10MY2002			

Created: 28MY1999 Updated: 17MY2002 3:17 PM By: SMB

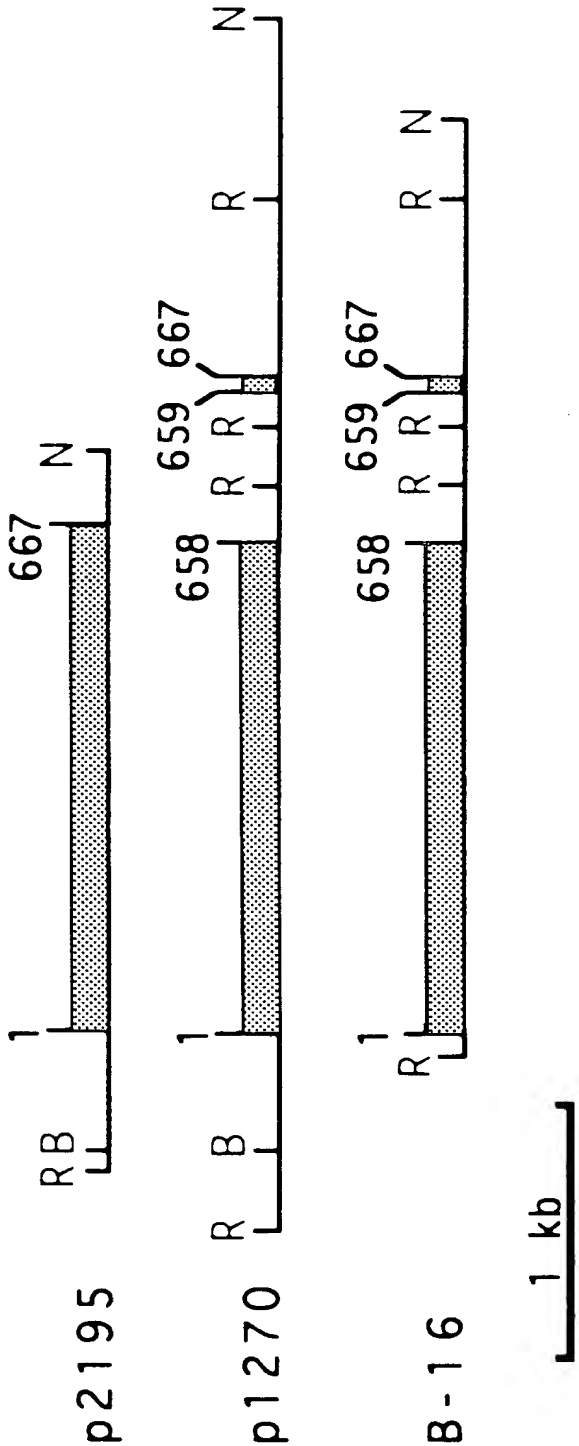


FIGURE 1A 1 MAPFR[C]QK[C]G 40
 41 KAFVSKYKLM 80
 81 LQTH[DPN]KIS 120
 121 T[CGV]C[TLE]G 160
 161 [CDRC]FYTRKD 200
 201 R[H]TKKTH[SE] 240
 241 MPPFQLGAAP 280
 281 EPLEPLEPLE 320
 321 PLEPLEPLEP 360
 361 MLPMQPMLPM 400
 401 IILQEHKYNP 440
 441 LQEPQAPLKF 480
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 521 TCLAQQQPPP 560
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 601 PEPEPEPEPE 640
 641 EEEEEEAEEP 667

1/27

I[H]NYSH[SRER] PFK[C]SKAE[C]G
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 MPVKADGKAF CNVGFFEEFF
 FGKVTLSKEL LVDAVNIAIP
 NGFVNSTIPV GPGEPLPHRI
 QPLPVPQPLP QPQMPPQFQL
 PDPEPEPEPE PEPEPEPEPE
 EEEAEEGAEE GAEPEAQAE
 VYKKWTV

FIGURE 1B



EXON	Splice donor	Splice acceptor	EXON
5' ATA GCAgtgagtgtgtg.....gtttcttttcagGGA CTC 3'			

3/27

FIGURE 1C

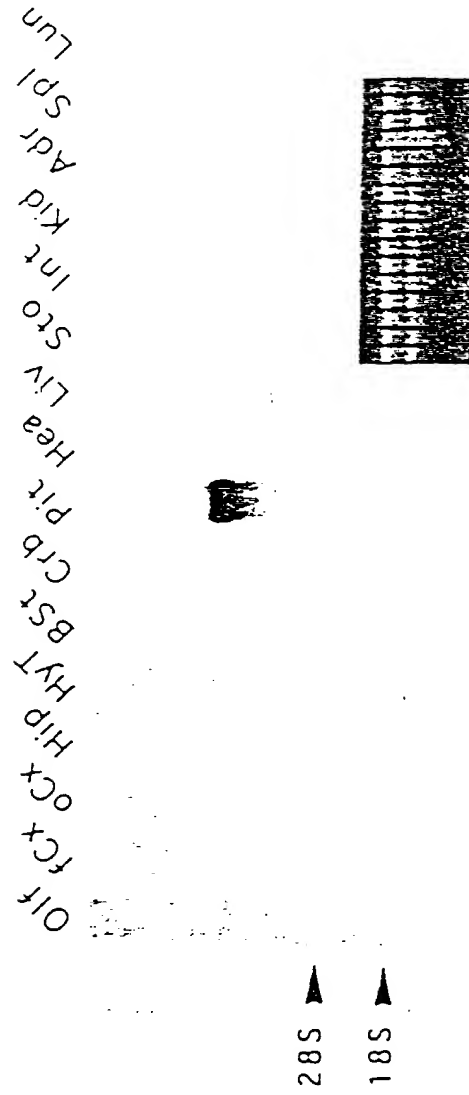


FIGURE 2A

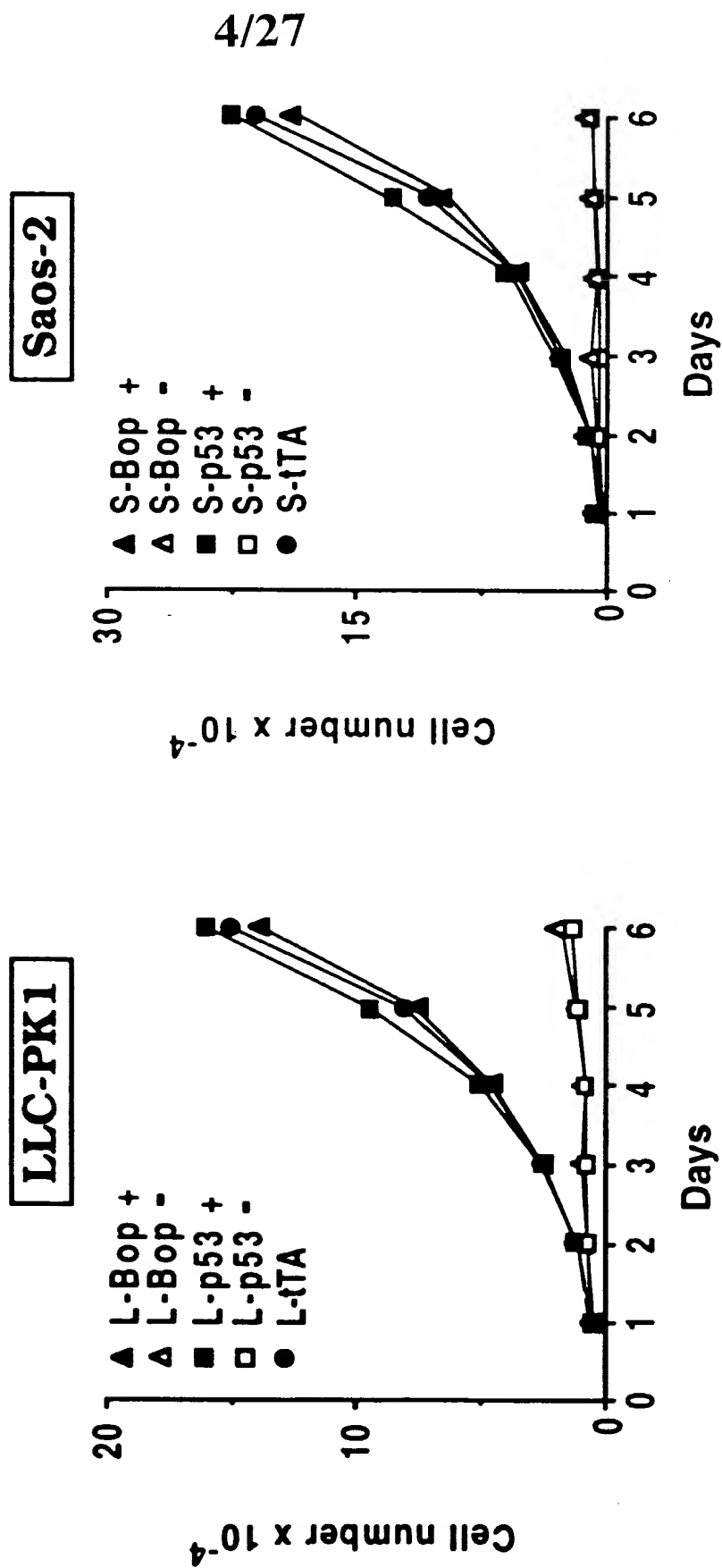


FIGURE 2B

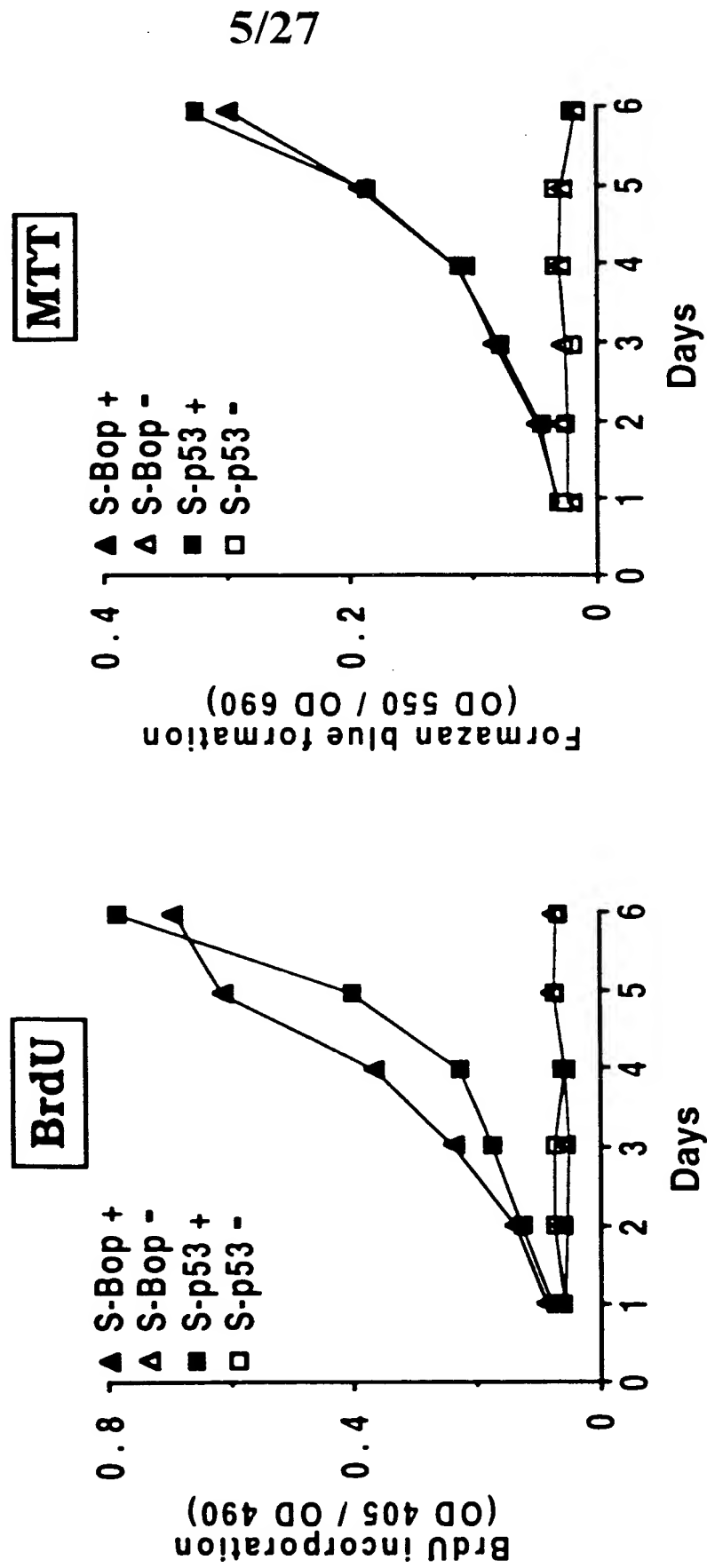


FIGURE 2C

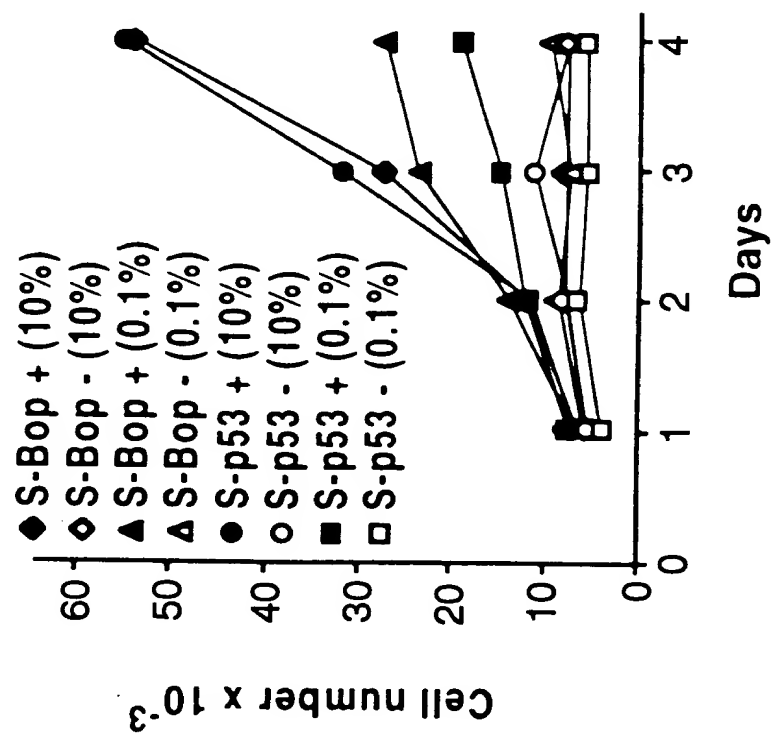
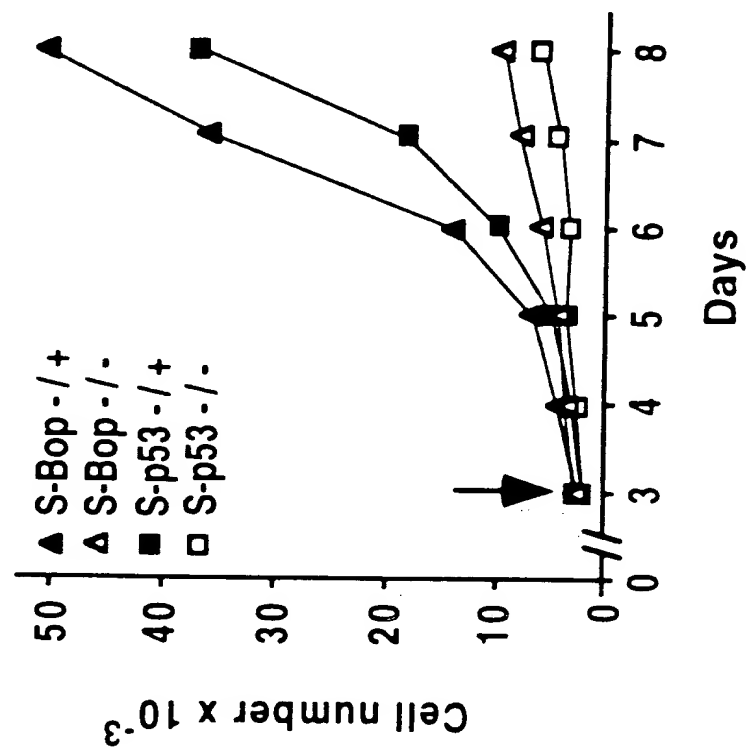
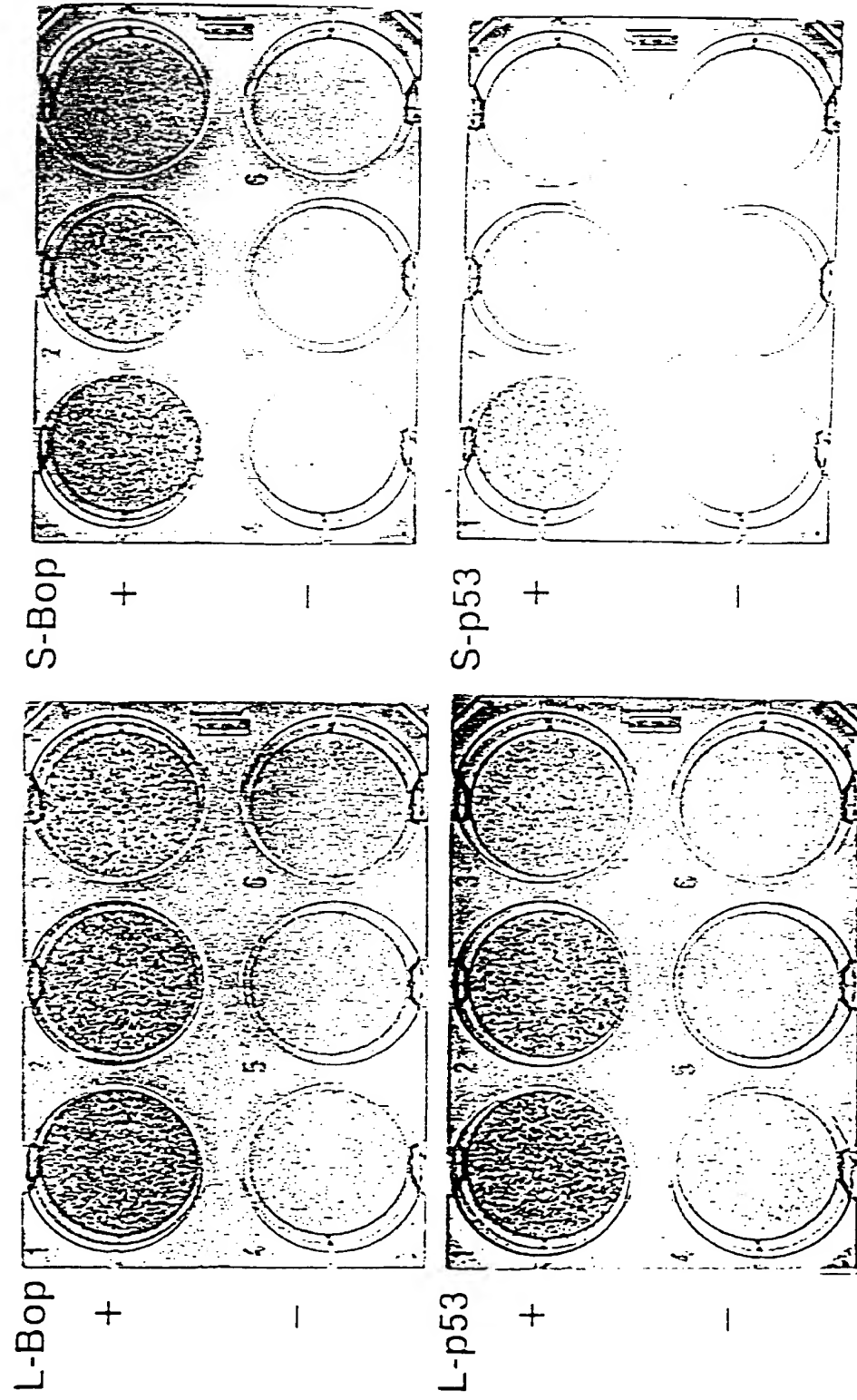


FIGURE 2D



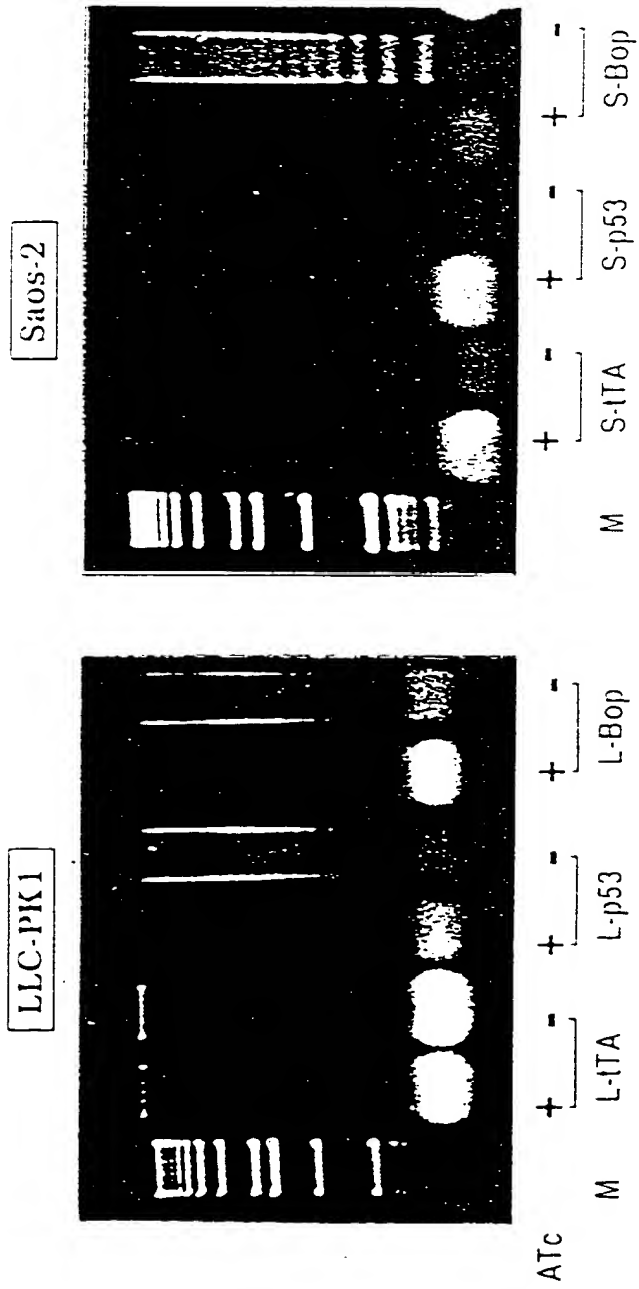
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FIGURE 3



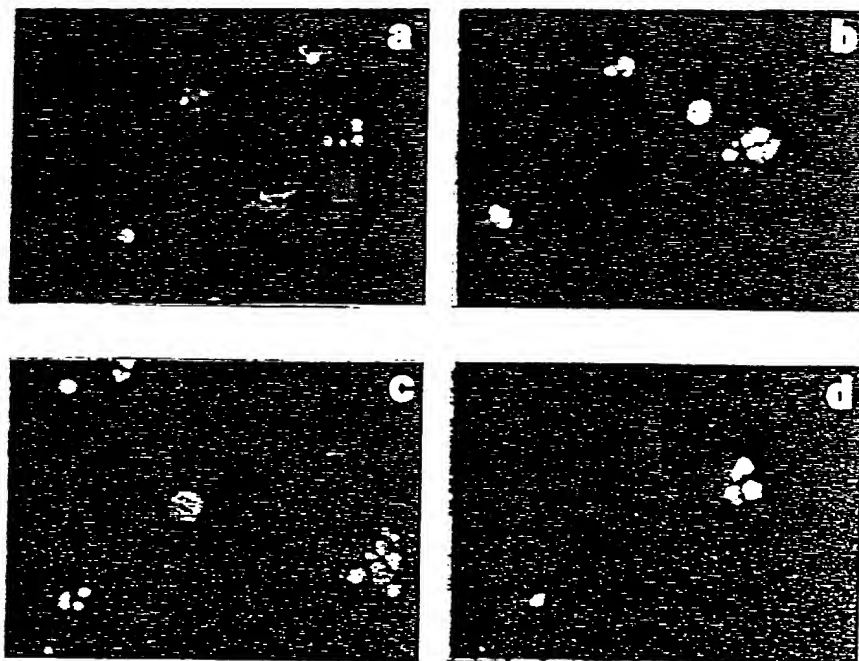
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FIGURE 4A



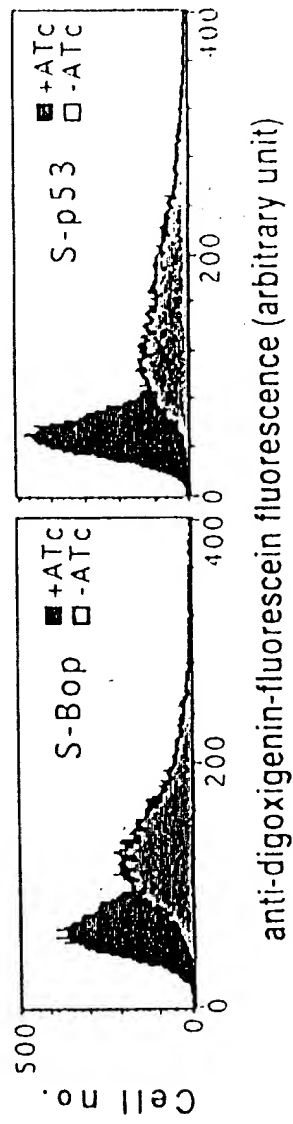
9/27

FIGURE 4B



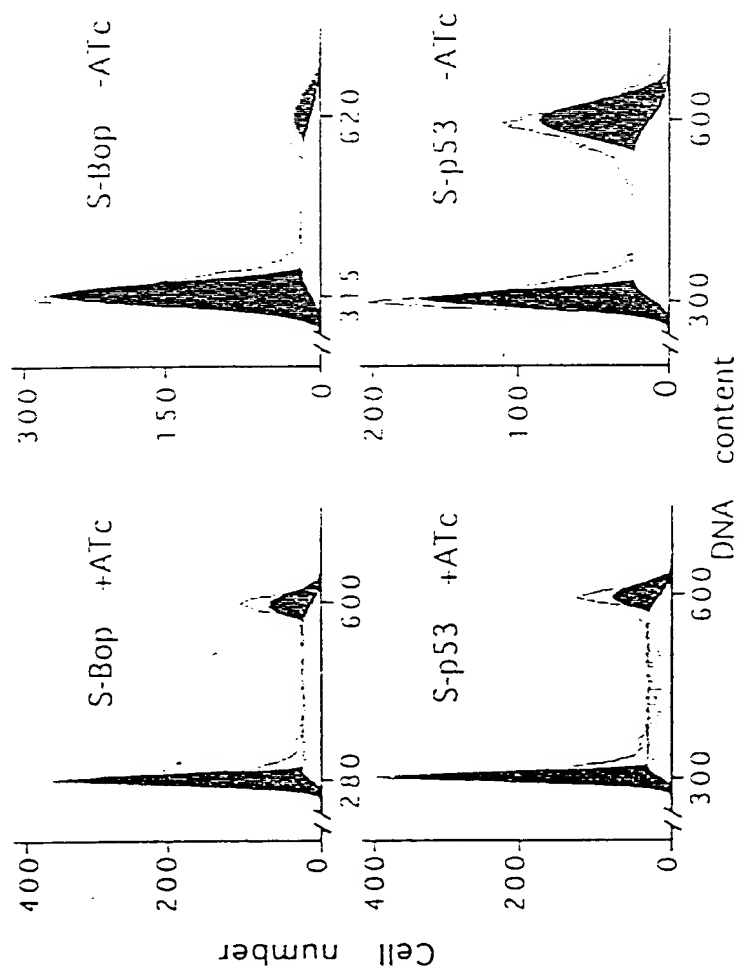
10/27

FIGURE 4C



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FIGURE 5A



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FIGURE 5B

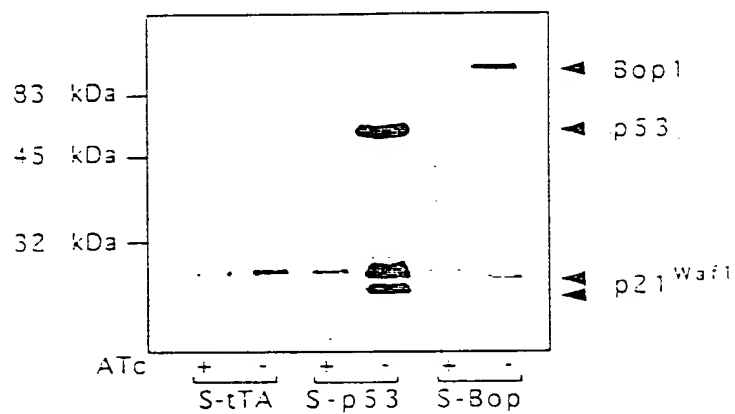


FIGURE 5C

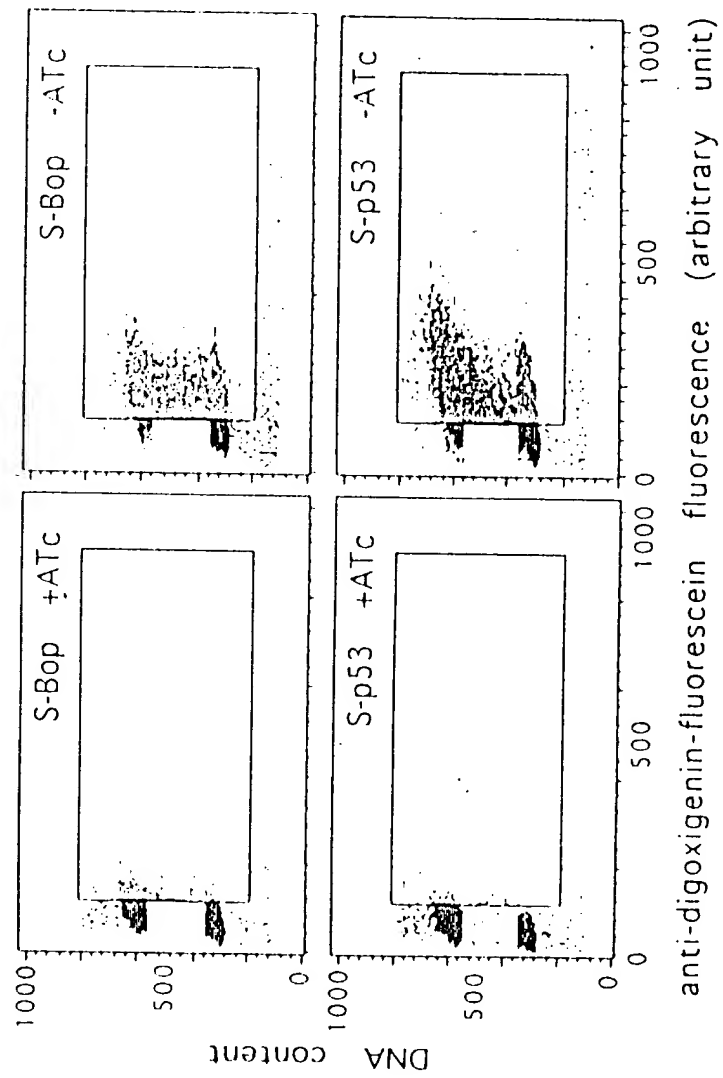
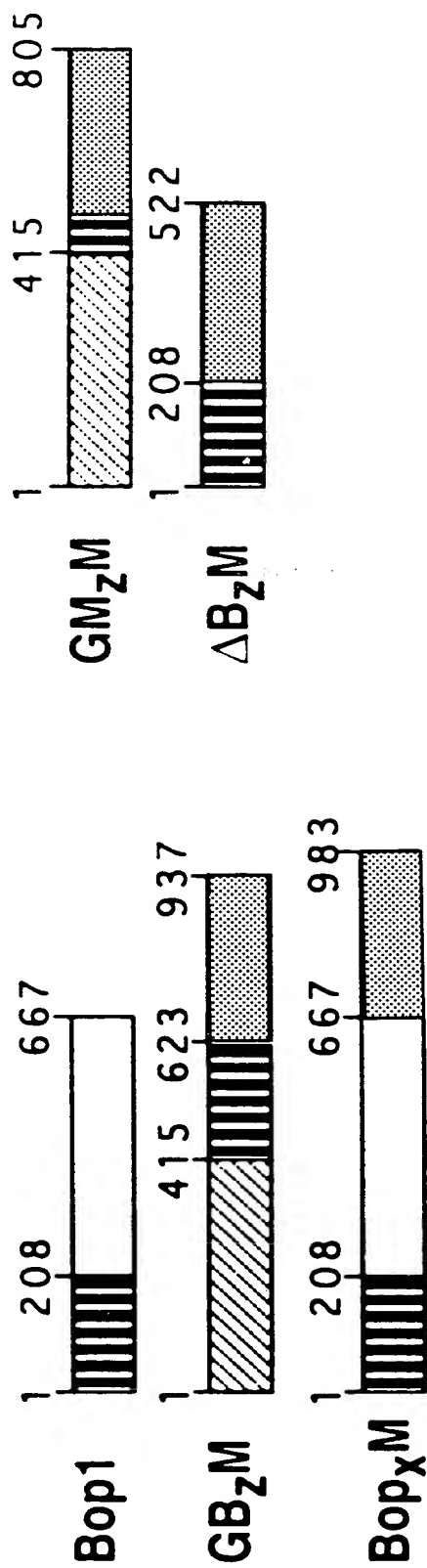


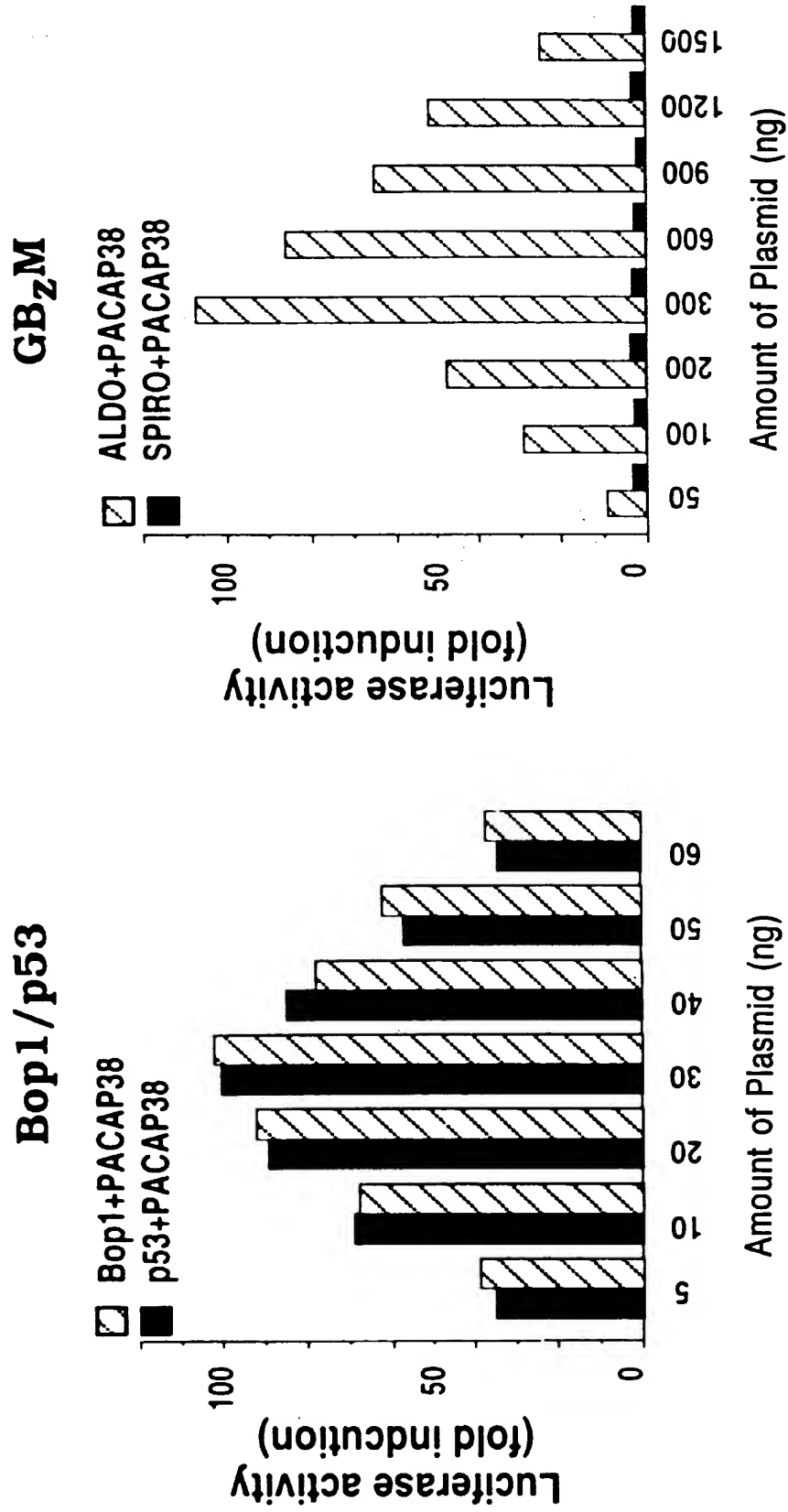
FIGURE 6A



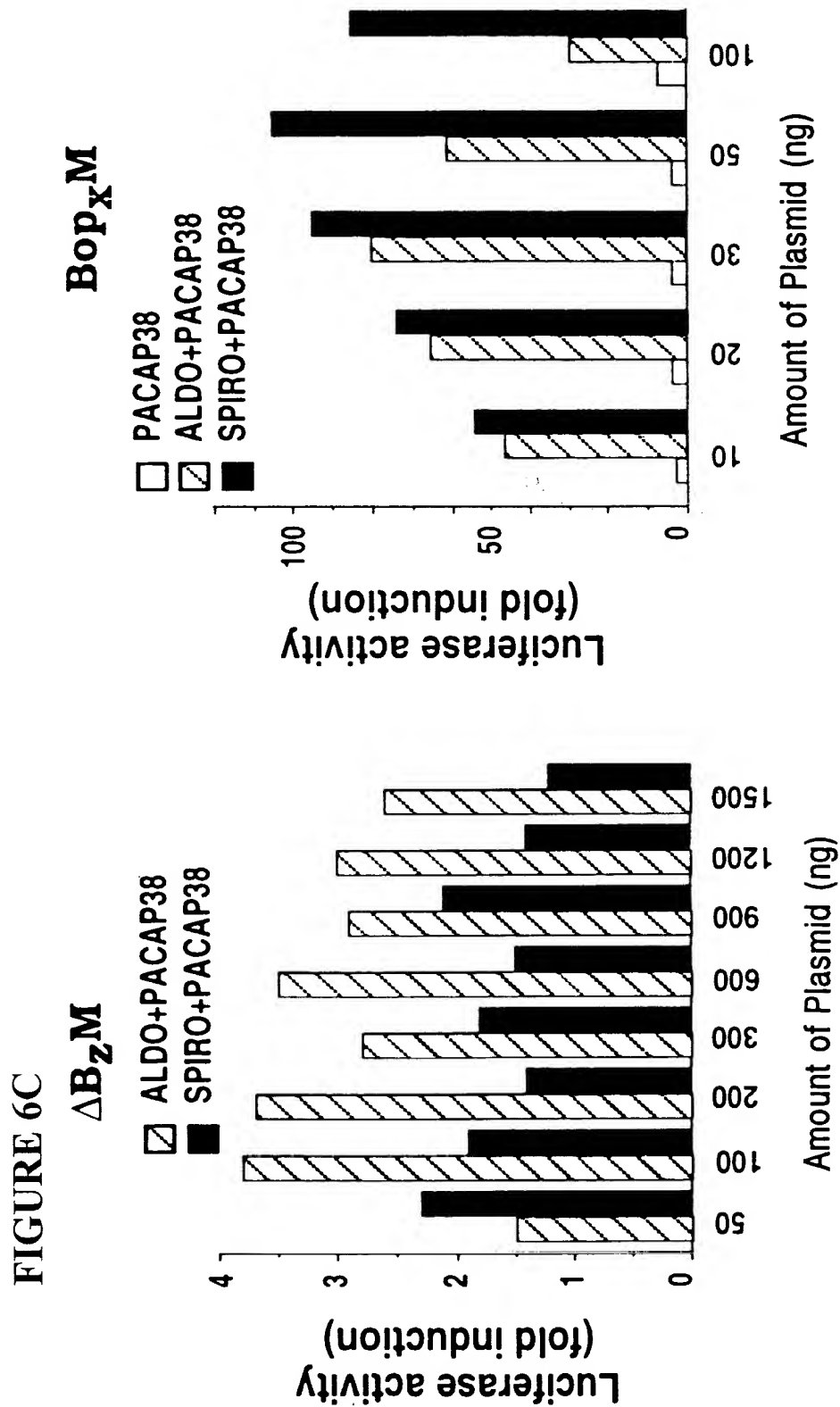
14/27

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FIGURE 6B



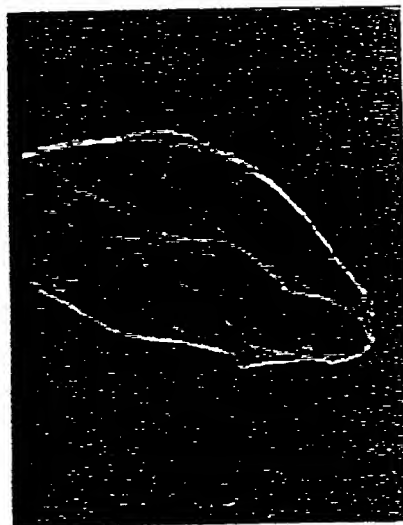
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FIGURE 6D

S-Bop + ATc



S-Bop - ATc

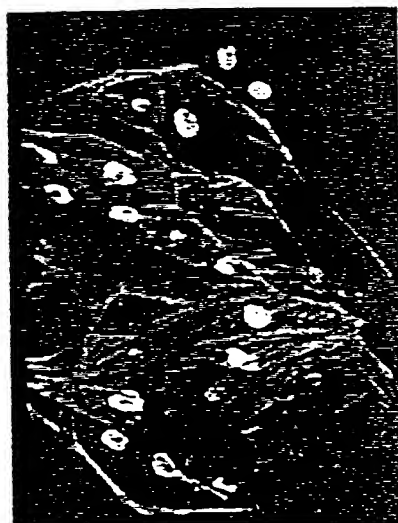


FIGURE 7

```

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161  CDRCFYTRKDVRRHLVVHTGCKDFLCQFCAQRFGRKDHLTRHTTKKTHSQELHCEMAGCQYQSNOLAPSTSFQIKVDP rLOT
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641  EEEEEEAEPQPEEAQIVSAVNLQPPPLPPTPHIFTAGSNTAILPHFHHAFR rLOT
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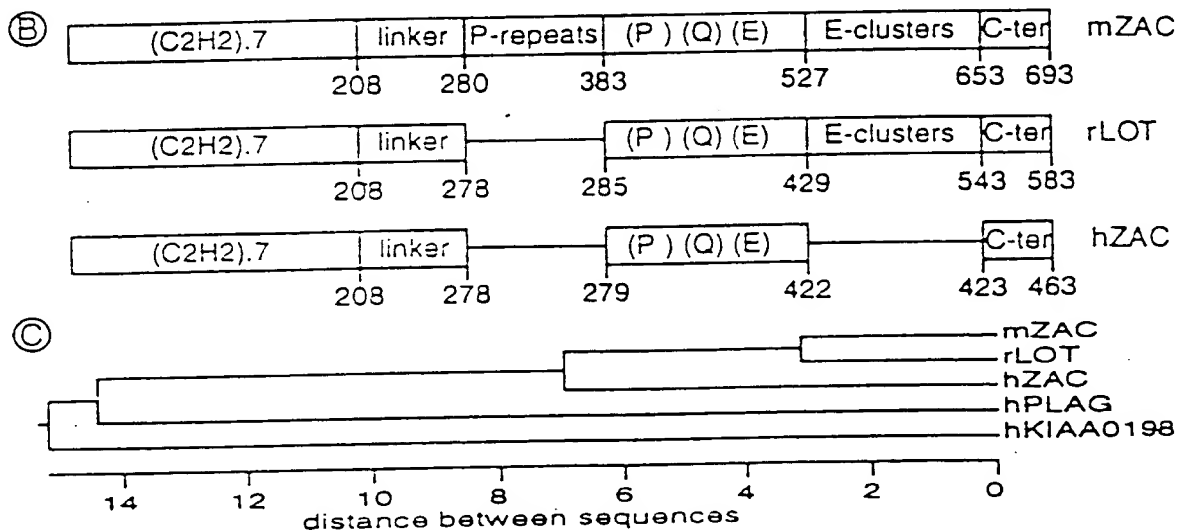
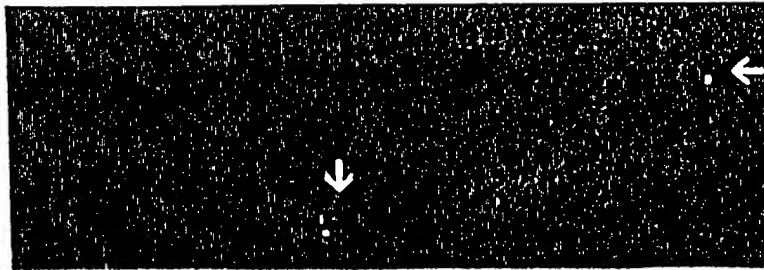


FIGURE 8B

mZAC/h6q25



mZAC/m10A2



hZAC/h6q25

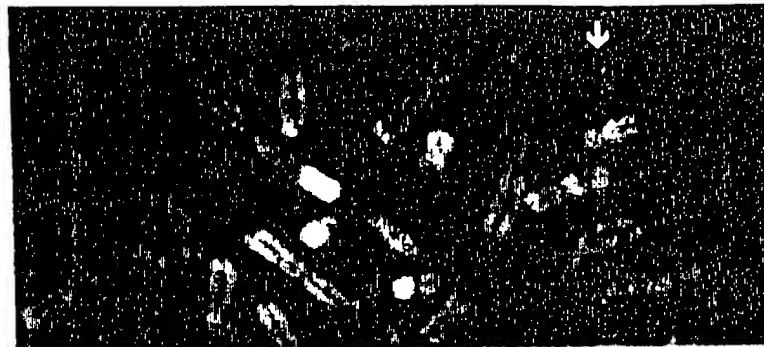


FIGURE 8A

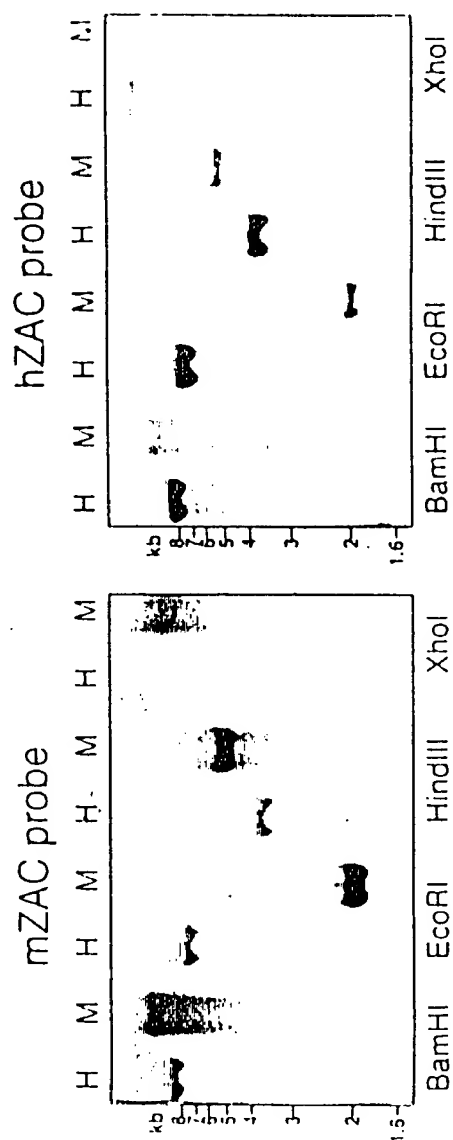


FIGURE 9

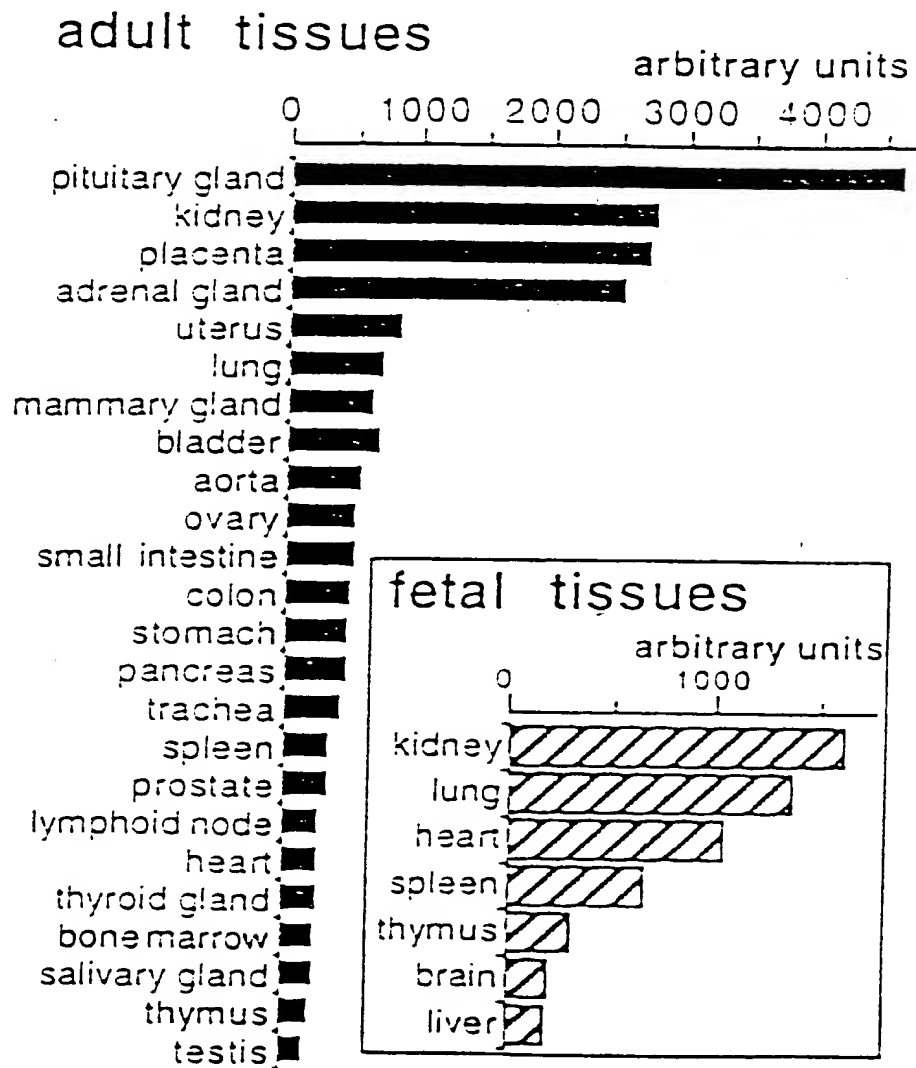


FIGURE 10A

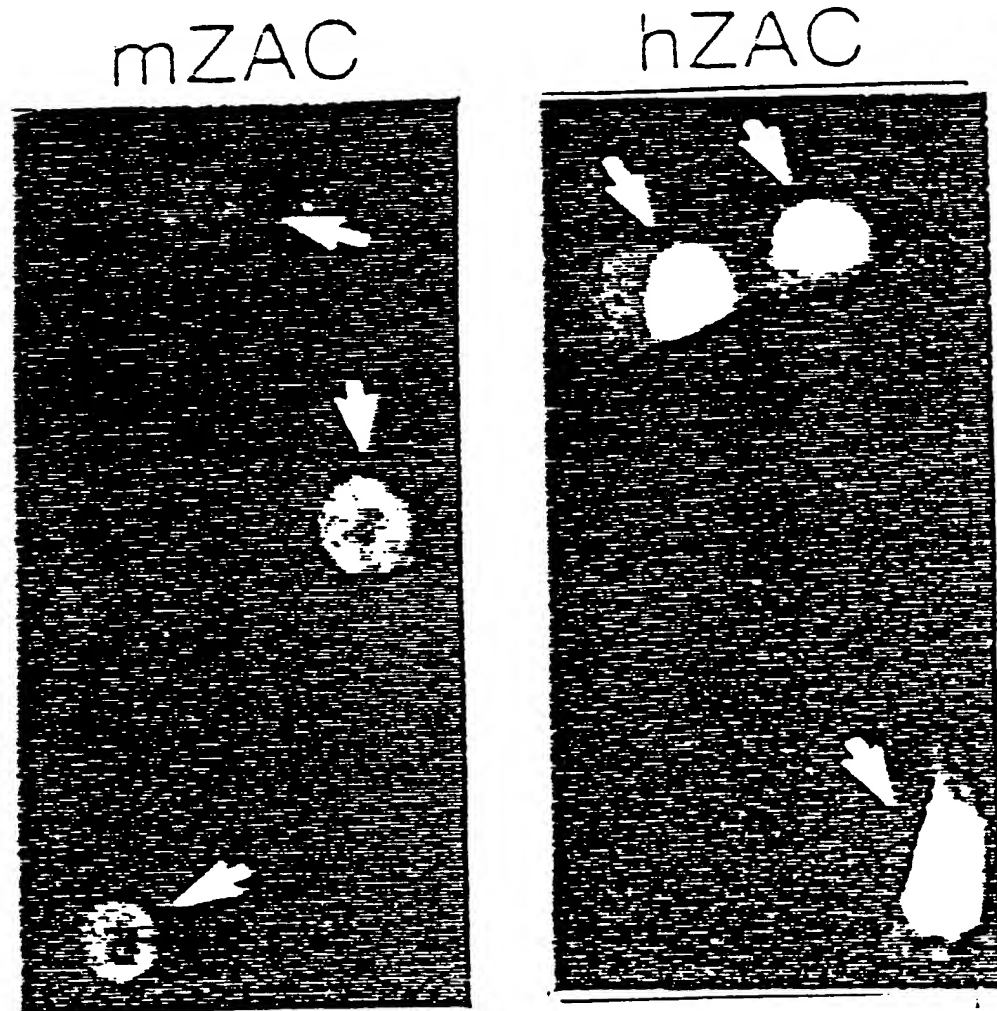


FIGURE 10B

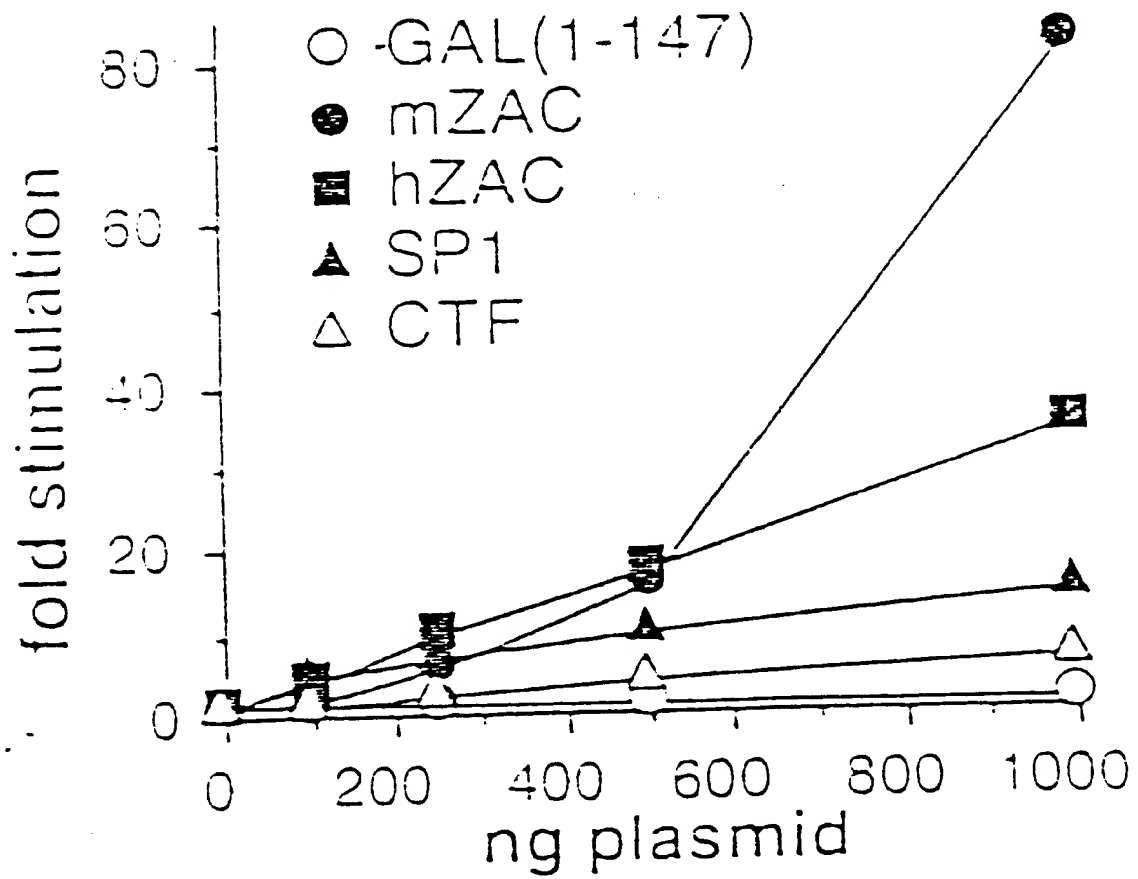


FIGURE 11

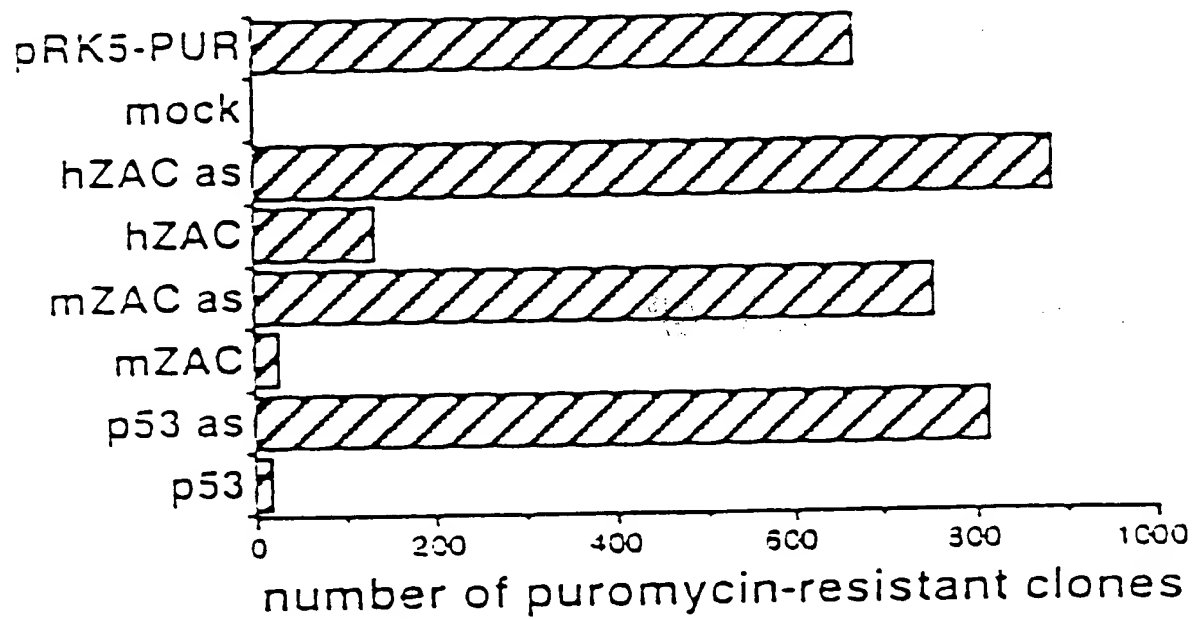


FIGURE 12A

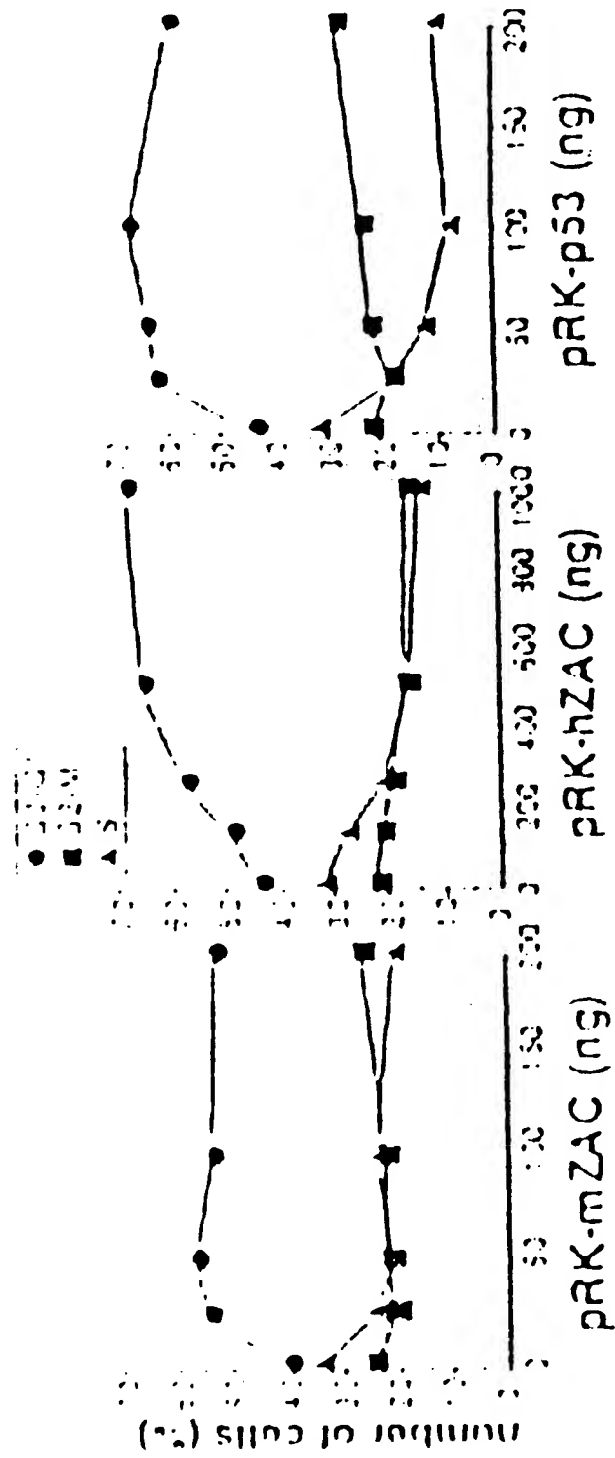


FIGURE 12B

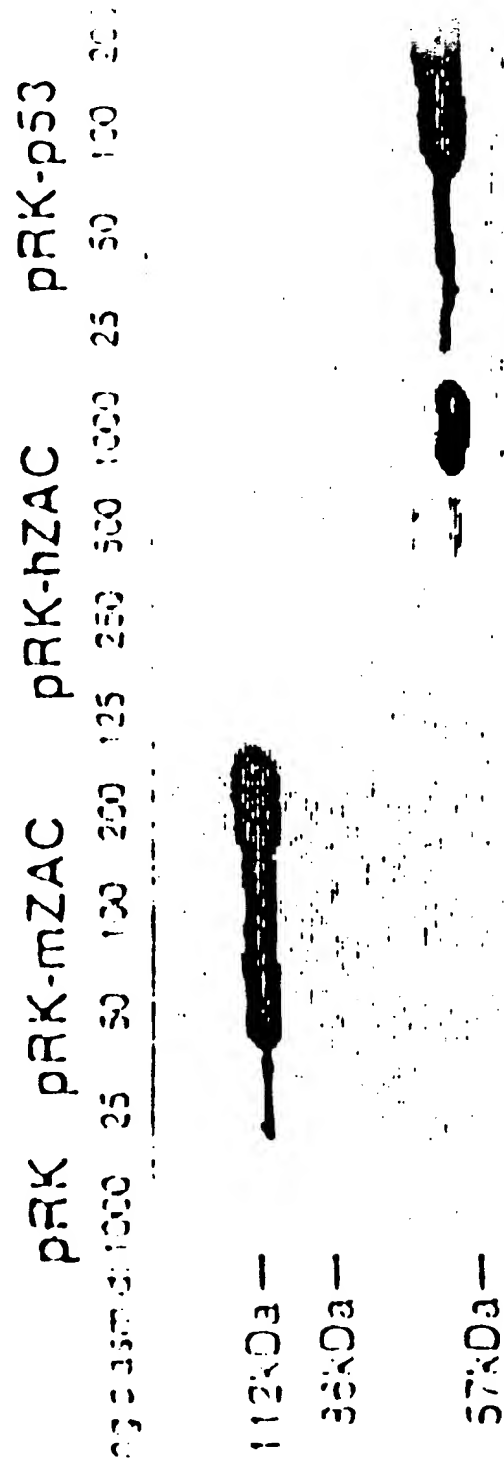
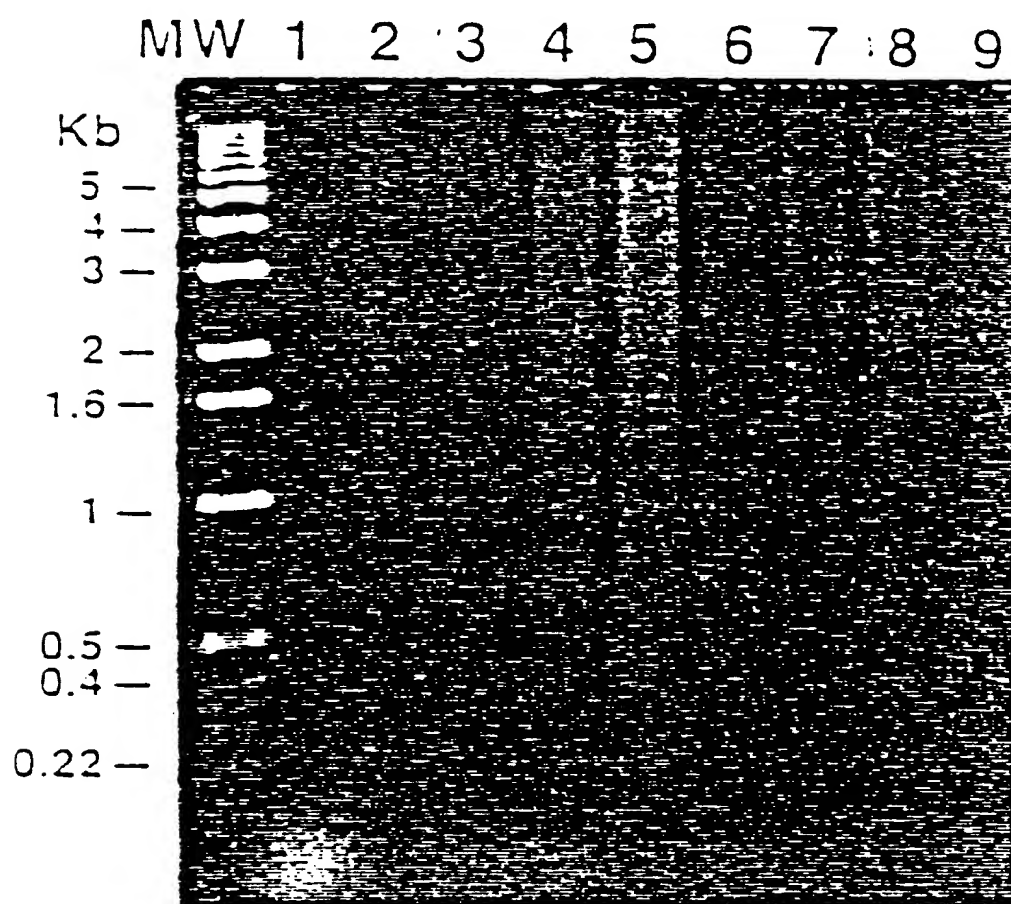


FIGURE 13





FILE

Applicant Dietmar Spengler and Laurent Journot
Client Vossius & Partner(2796) File No. 52130-A-PCT-US Atty. JPW/YG
Date December 28, 2001

Kindly acknowledge receipt of the accompanying

Communication Forwarding Formal Drawings in connection with
Dietmar Spengler and Laurent Journot, NUCLEIC ACID MOLECULES
CODING FOR TUMOR SUPPRESSOR PROTEINS AND METHODS FOR THEIR
ISOLATION, U.S. Serial No. 09/254,870, filed August 16,
1999, including twenty-seven (27) sheets of formal drawings
as Exhibit A, and Certificate of Mailing dated December 28,
2001.

Due Date: December 28, 2001

by placing your receiving date stamp hereon and returning to us.



Docket 52130-A-PCT-US/JPW/AJM/AHM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Dietmar Spengler and Laurent Journot
Serial No. : 09/254,870 Examiner: C. Patterson
Filed : August 16, 1999 Group Art Unit: 1652
For : NUCLEIC ACID MOLECULES CODING FOR TUMOR
SUPPRESSOR PROTEINS AND METHODS FOR THEIR
ISOLATION

1185 Avenue of the Americas
New York, New York 10036
July 10, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

DECLARATION OF JOHN P. WHITE, ESQ.
IN SUPPORT OF PETITION UNDER 37 C.F.R. §1.8(b)

I, John P. White, Esq., hereby declare as follows:

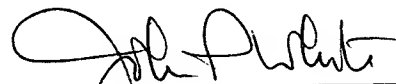
1. I am a member of the firm Cooper & Dunham LLP, attorneys for applicants.
2. I have been a partner with Cooper & Dunham LLP since February 1, 1983.
3. I am registered to practice before the Patent and Trademark Office and I am the attorney of record in the above-identified application.
4. I am the attorney who signed and submitted the December 28, 2001 Communication Forwarding Formal Drawings accompanied by formal drawings.

Applicants: Dietmar Spengler and Laurent Journot
Serial No.: 09/254,870
Filed: August 16, 1999
Page 2

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1. On December 28, 2001, I caused the Communication Forwarding Formal Drawings, with a certificate of mailing dated December 28, 2001 accompanied by formal drawings, to be placed in the mailroom of Cooper & Dunham LLP.
2. There were no other steps that could have been taken to assure that the subject Communication Forwarding Formal Drawings and formal drawings were timely filed.

Dated: July 10, 2002



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Registration No. 28,678
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